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7 Attorney for Defendant
8 **AVERY BADENHOP**

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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 UNITED STATES OF AMERICA,

Case No. CR 10-701 MMC

13 Plaintiff,

14 v.

15 AVERY BADENHOP,

16 Defendant.

**REQUEST AND ~~PROPOSED~~
ORDER CONTINUING STATUS
HEARING AND EXCLUDING
TIME FROM AUGUST 10, 2011
TO SEPTEMBER 14, 2011
UNDER THE SPEEDY TRIAL
ACT**

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19 IT IS HEREBY REQUESTED by both parties, Assistant United States Attorney Kevin
20 Barry, counsel for the plaintiff, and below signed counsel in the above mentioned case, that the
21 status conference now scheduled for August 10, 2011 at 2:30 p.m., be continued until September
22 14, 2011 at 2:30 p.m., or as soon thereafter as is convenient for the Court.

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24 The parties represent that good cause exists for this exclusion, including the effective
25 preparation and continuity of counsel as well as to complete settlement negotiations which have
26 been on-going and are likely to result in a resolution on the next court date.

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The parties agree that the failure to grant this continuance would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See, 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by granting an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO REQUESTED:

MELINDA L. HAAG
United States Attorney

DATED: August 4, 2011

/s/ _____
KEVIN BARRY
Assistant United States Attorney

DATED: August 4, 2011

/s/
DOUGLAS L. RAPPAPORT
Attorney for AVERY BADENHOP

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~~PROPOSED~~ ORDER

For the reasons stated above, the Court hereby orders that the change of plea/status conference date of August 10, 2011 is continued to September 14, 2011 at 2:30 p.m. The Court also finds that an exclusion of time between August 10, 2011 through September 14, 2011 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the exclusion under Section 3161 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case, and that failure to grant the requested exclusion of time would deny counsel for the defendant the reasonable time necessary for the effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED: August 5, 2011


THE HONORABLE MAXINE CHESNEY
United States District Judge